IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 21086 of 2007(I)

OS.125/2003 of PRINCIPAL SUB COURT,ALAPPUZHA

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PETITIONER:

SURESH, PEACE COTTAGE,
NORTH ARYAD, KALAVOOR P.O.,
ALAPPUZHA.

BY ADV. SRI.GEORGE MATHEW
SRI.A.V.TELLES

RESPONDENT:

SAURASHTRA CEMENTS LTD.,
O.S.38, 4TH FLOOR, G.C.D.A.,
COMERCIAL, SHOPPNG COMPLEX, MARINE DRIVE,
COCHIN-31.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No. 21086 OF 2007

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Dated this the 10th day of July, 2007

JUDGMENT

This writ petition is filed seeking a direction to the Principal Sub Court, Alappuzha to pass orders on Exts.P1 and P4 and for stay of the proceedings. The suit is one for realisation of amount due under a cheque. The signature in the cheque is admitted, but the writing is not admitted and there is already a case pending under Section 138 of the Negotiable Instruments Act before the Metropolitan Magistrate's Court, Ahammedabad. Now the said court has ordered warrant of arrest. The present petitioner has already entered appearance there and had been enlarged on bail. But on failure to attend on a solitary occasion, non-bailable warrant was issued to get him arrested. So if he appears before the court, it will cause him embarrassment at this stage. Learned counsel for the petitioner submits that if a reasonable time is granted to him for appearing before the concerned court at Ahammedabad and seeking for bail he need not be unnecessarily detained in prison. The said submission appears to be genuine and therefore without going into any other merits of the case, I

direct the Principal Sub Court, Alappuzha to defer further trial of O.S.No.125 of 2003 till 24.7.2007 and on 24.7.2007, the defendant, viz., the writ petitioner will appear before court and further participate for a speedy disposal of the case.

M.N.KRISHNAN, JUDGE

Cdp/-